



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

December 1, 2021

BY ECF

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: **United States v. Robert Hadden,**
S1 20 Cr. 468 (RMB)

Dear Judge Berman:

The Government respectfully writes to update the Court as to the status of its ongoing responsiveness review pursuant to search warrants obtained for various electronic devices, as discussed in its letter to the Court of November 1, 2021 (Dkt. 128 (the "November 1 Letter")). As discussed in greater detail below, although continued progress has been made to date, the Government's responsiveness review remains ongoing.

As described in the November 1 Letter, the Government has been reviewing the contents of approximately 33 electronic devices (the "Devices"), containing in excess of 3 million data artifacts, pursuant to a series of search warrants. (Dkt. 128 at 1).¹ As set forth in the November 1 Letter, the process of reviewing the Devices for responsiveness has been complex and time-consuming, involving a privilege review; the technical process of reconstruction of deleted data, known as "data carving"; and the substantive review of the voluminous data from the Devices. (See Dkt. 128 at 1).

Following the November 1 Letter, the Government has continued its review and made further progress on both the technical process of data carving and on the substantive review of the data for responsiveness. As described in the November 1 Letter, the FBI has continued to devote substantial resources to this review, which the case agent continues to prioritize. (See Dkt. 121 at 3). The Government has copied a substantial portion of the partially reconstructed data for the convenience of the defense, and has made all of the partially reconstructed data available for the defense's review. The technical process of data reconstruction has continued to be productive, as large volume of data has been reconstructed since the November 1 Letter, and the FBI continues to reconstruct more data.

¹ The search warrants date from August and September of 2020, as well as a new search warrant, issued on September 8, 2021, relating to additional subject offenses.

The Government's substantive responsiveness review is ongoing and has been productive. As discussed in the November 1 Letter, the Government has recently been able to access several dozen data partitions, (Dkt. 128 at 1-2), and has been substantively reviewing them since the letter. Since the November 1 Letter, the Government has continued to identify for the defense additional responsive material, providing a copy of a substantial volume of such material to the defense on November 19, 2021 and sending the defense copies of a small volume of highly relevant responsive material—emails between the defendant and two victims—yesterday. The Government's review has found additional evidence tending to suggest the commission of the subject offenses specified in the warrants and indications of possible attempts by the users of some of the devices to use sophisticated data deletion techniques.

The Government will continue to identify responsive materials promptly for the defense on a rolling basis, and will update the Court on or before January 7, 2021 as to the status of its review.

Respectfully submitted,

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by: /s/ Paul M. Monteleoni

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cc: Defense Counsel (By ECF)